

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONALD M. LEE,	)	
	)	
Petitioner,	)	4:16CV3058
	)	
V.	)	
	)	
NEBRASKA DEPARTMENT OF	)	ORDER
CORRECTIONAL SERVICE,	)	
SCOTT R. FRAKES, Department of	)	
Correction, and UNKNOWN PRISON	)	
OFFICIAL,	)	
	)	
Respondents.	)	
_____	)	

Petitioner filed a Petition for Writ of Habeas Corpus (Filing No. 1) and a Motion for Leave to Proceed in Forma Pauperis (Filing No. 2). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this court (*see* inmate trust account statement at Filing No. 3), provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee at this time. *See* [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis (Filing No. 2) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

DATED this 18<sup>th</sup> day of April, 2016.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge